

Atty. Docket No.:

8039/1090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Riechmann, et al.

Serial No.:

09/710,444

Filed:

November 10, 2000

Entitled:

"Selection System"

Examiner:

B. Celsa

Group Art Unit:

1627

Conf. No.:

2736

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to: U.S. Patent & Trademark Office, Box: Sequence, P.O. Box 2327, Arlington, VA 22202.

Mary Wilson

Name of Person Mailing Paper

U.S. Patent and Trademark Office

Box: Sequence P.O. Box 2327

- Arlington, VA 22202

TRANSMITTAL LETTER

Enclosed for filing the above-identified patent application, please find the following documents:

- Amendment in Response to Notice to Comply dated February 27, 2002; 1.
- 2. Copy of Notice to Comply:
- Paper Copy of the Sequence Listing (59 pgs); 3.
- 4. Computer Readable Copy of the Sequence Listing:
- Sequence Statement Under 37 C.F.R. § 1.821(f) and (g); 5.
- 6. Petition for Four Month's Extension of Time:
- 7. Check in the amount of \$720.00; and
- 8. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference 8039/1090. A duplicate of this transmittal letter is enclosed for this purpose. Mark J. FitzGerald

Respectfully submitted,

Rg. No. 45, 928 for Kathler Williams

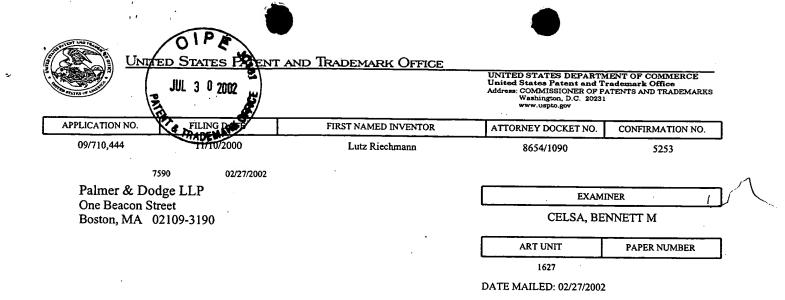
Date:

July **25**, 2002

Name: Kathleen Williams Registration No.: 34,380 Customer No.: 29933

Palmer & Dodge LLP 111 Huntington Avenue

Boston, MA 02199-7613 Tel: 617-239-0100



Please find below and/or attached an Office communication concerning this application or proceeding.

new

Palmer & Dodge LLP Drop
Patent Department

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Paimer & Dodge, LLP Patent Department



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

SERIAL NUMBER FILING DATE FIRST NAMED APPLICANT ATTORNEY DOCKET NO.
09/ 710,444

EXAMINER		
ART UNIT	PAPER NUMBER	
1627	5	

Please find below a communication from the EXAMINER in charge of this application

Sequence Rule Compliance: NOTICE TO COMPLY

This application fails to comply with the sequence rule quirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. This application encompasses sequences needing sequence identifiers (e.g. see pages 9, 15, 24, 30, 35, 36, 38, figures etc.).

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.R.F. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (703) 305-7556 If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Venkat whose telephone number is (703) 308-0570. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Bennett Celsa (au 1627) (Feb. 25,2002)

BENNETT CELSA PRIMARY EXAMINED

Month

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE REQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

_) 1.825 for the following reason(s):	teduirements
M	,	
ĹΧ	1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 65 CB 40000	
'	directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230	Applicant's attention
1	at 1114 OG 29, May 15, 1990 and at 55 FR 18230	May 1 1000
TX		, may 1, 1990.
تخ	2. This application does not contain as a constant	
	2. This application does not contain, as a separate part of the disclosure on paper copy, a required by 37 CFR 1.821(c).	"Sequence Listing"
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又	2 4	
	3. A copy of the "Sequence Listing" in computer readable from her made	
	3. A copy of the Sequence Listing" in computer readable form has not been submitted as re	equired by 37 CFR 1 821
السيا	4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, attached, marked to a comply with the requirements of 37 CER 1 822 and the computer readable form does not comply with the requirements of 37 CER 1 822 and the computer readable form has been submitted.	
	computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.82 attached marked-up copy of the "Raw Sequence Listing."	er; the content of the
	attached marked-up copy of the "Raw Sequence Listing."	23, as indicated on the
	, and a country.	in the
	. The computer condition	•
	The computer readable form that has been filed with this application has been found to be the stranger of the attached CRF Diskette Problem Report. A substitute	•
su	nreadable as indicated on the attached CRF Diskette Problem Report. A substitute compute ibmitted as required by 37 CFR 1.825(d).	damaged and/or
	ibmitted as required by 37 CFR 1.825(d).	r readable form must be
— 6.	The paper copy of the "Sequence Listing" is a set	
as	The paper copy of the "Sequence Listing" is not the same as the computer readable form o	f the "Sequence Listing"
•	,	. The Ocidaence Figure.
\Box		
<u> </u>	Other:	
A		
Applica	ant must provide:	· .
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N Ac	initial acceptance	
7	Initial or substitute computer readable form (CRF) copy of the "Sequence Listing"	. •
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<u>}</u>	rival or substitute paper copy of the "Sequence Listing", as well as an amount	•
ال <u>ال</u>	nitial or substitute paper copy of the "Sequence Listing", as well as an amendment directing	its entry into the
A sta	atement that the content of the	
) new	atement that the content of the paper and computer readable copies are the same and, when matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)	
	matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)	e applicable, include no
	tions regarding compliance with the second state of the second sta	
	* TEMPORE CONTROLLED ON WITH ALL	

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123 For CRF submission help, call (703) 308-4212 For Patentin software help, call (703) 308-6856

Please return a copy of this notice with your response.



The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities - 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, MUST be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings MUST be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.